

Section 440 - Fireworks

Section 440:00. Definitions, Fireworks. The term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25 hundredths grains or less of explosive compound are used and toy pistol caps which contain less than 20 hundredths grains of explosive mixture.

Section 440:05. Sale and Use of Fireworks Prohibited. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, or use or explode any fireworks, except as otherwise hereinafter provided.

Section 440:10. Exceptions and Permitted Sales and Uses.

Subd. 1. Section 440:05 shall not be construed to prohibit the sale or uses set forth in any of the following subdivisions.

Subd. 2. Sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the State.

Subd. 3. Sales outside the State.

Subd. 4. Any resident wholesaler, dealer, or jobber, from selling at wholesale such fireworks as are not herein prohibited.

Subd. 5. The sale of any kind of fireworks for shipment directly out of the State.

Subd. 6. The use of fireworks by airplanes and railroads, or other transportation agencies for signal purposes or illumination.

Subd. 7. The sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

Subd. 8. Supervised public displays of fireworks by the municipality, and other organizations, when granted a permit and conducted as hereinafter provided.

Section 440:15. Permit Required. No display shall be given unless a permit therefor has first been secured in the manner hereinafter set forth, provided, however, no such permit shall be required when such display is given by this municipality.

Section 440:20. Permits, Application. Every application for such a permit shall be made in writing to the Clerk at least 15 days in advance of the date of the display. The application shall be promptly referred to the Fire Chief. The Fire Chief shall make an investigation to determine whether the operator of the display is competent and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The Fire Chief shall report the results of this investigation to the Clerk and if he reports that in his opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the State Fire Marshal hereinafter provided for, the Clerk shall issue a permit for the display when the applicant pays a permit fee of \$2.00. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit so granted shall be transferable.

Section 440:25. Officers May Seize Illegal Fireworks. The State Fire Marshal, or any sheriff, police officer, constable, or local fire marshal, shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of Sections 440:00 et seq.

Section 440:30. Firecrackers. Every person who shall purchase, manufacture, use, sell or keep for sale within this municipality firecrackers, cracker, and other explosive pyrotechnics, except by special permit, shall be guilty of a penal offense.